

TOWN OF WEAVERVILLE

**Town Hall Council Chambers
30 South Main Street
Weaverville, NC 28787**

AGENDA

**September 10, 2019
Regular Workshop at 6:00 pm**

	<i>Presenter</i>
1. Call to Order	Mayor Root
2. Overview of Public and Private Streets within the Town	Town Staff
3. Town Council Discussion of Policy Issues Related to Streets	Mayor and Town Council
4. Adjournment	Mayor Root

WORKSHOP ON STREETS

Staff looks forward to supporting the Mayor and Town Council in its discussions regarding streets within the Town of Weaverville. To aid the Mayor and Town Council in these discussions staff has compiled the following information and materials that will be presented during the workshop. The following topics will be addresses and some questions have been posed to spark discussion.

TYPES OF ROADS/STREETS WITHIN THE TOWN AND STREET IMPROVEMENTS DEFINED

OVERVIEW OF PRIVATE STREETS

OVERVIEW OF TOWN STREETS

OVERVIEW OF DOT ROADS

STAFF RECOMMENDATIONS

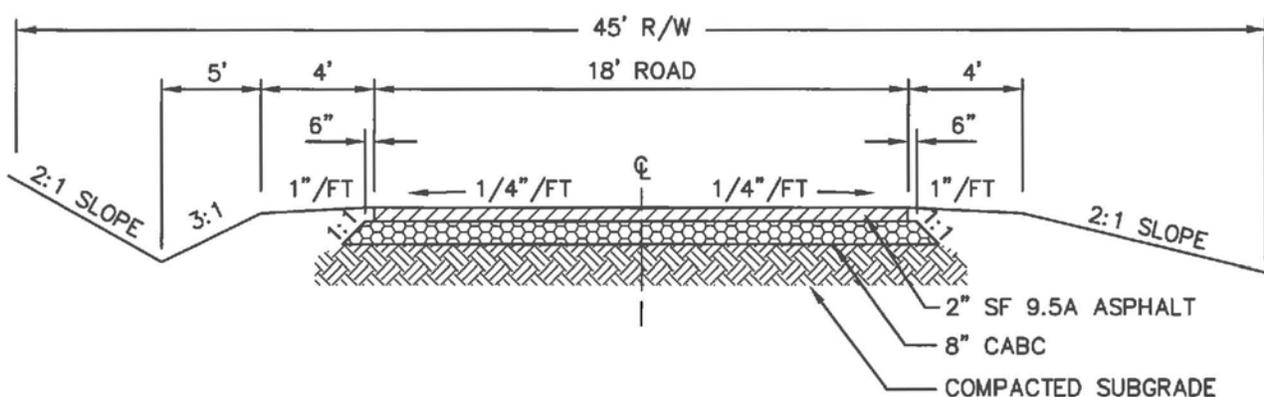
POLICY QUESTIONS FOR TOWN COUNCIL DISCUSSION (TIME PERMITTING)

TYPES OF ROADS/STREETS WITHIN THE TOWN AND STREET IMPROVEMENTS DEFINED

There are approximately 168 roads or streets within the Town with 36 being DOT roads, 92 being Town streets, and 40 being private streets. The Street List that is attached is an alphabetical listing of all of the roads/streets within the Town's municipal limits with a designation of DOT, Town, Private, or under construction.

All roads and streets start out as private and only some ultimately become public roads or streets.

Street improvements consist of not only the visible parts of a street (such as the pavement, sidewalks, and drainage grates), but also the subsurface conditions and improvements including the base layers of compacted soil and gravel that support the visible elements, and the stormwater infrastructure that is needed to safely and effectively carry water away from the roadway.



OVERVIEW OF PRIVATE STREETS

WHAT DETERMINES PRIVATE STREET STANDARDS?

To the extent that the Town has adopted street standards for private streets, whether through its subdivision regulations, zoning regulations, or with the adoption of a special use permit or conditional zoning district, those regulations apply to newly developed private streets.

Section 36-12 of the Town's zoning regulations require a minimum of 35 feet of street frontage on either a publicly dedicated or maintained street or "on a private street which meets the standards of the North Carolina Department of Transportation as to maintenance, disclosure and construction." This provision essentially incorporates DOT street standards for all private streets.

The NC Fire Prevention Code applies to all streets, including private ones, in order to ensure emergency access for fire prevention purposes.

HOW ARE PRIVATE STREETS MAINTAINED?

Private streets are maintained by the owner or developer of the street. The private streets within most major subdivisions are typically turned over to a property owners' association once they are completed. Road maintenance agreements within the subdivision's restrictive covenants will typically provide for the maintenance of the private streets through the assessment of fees from each property owner.

WHAT ARE THE ADVANTAGES/DISADVANTAGES OF PRIVATE STREETS?

The main disadvantage of a private street from the property owner's point of view is the cost of continued maintenance and repair of the street. This includes snow removal during the winter months, routine maintenance to keep storm drains clear, and periodic maintenance and repair for the long-term health of the street.

These disadvantages can be seen as advantages to the Town when looked at from the public sector's perspective in that with fewer streets to maintain the cost of street maintenance is lower. There are, however, certain advantages to private streets, including the following:

- Ability to restrict access; gated communities
- Ability to adopt private regulations (like no skateboards, parking, speed limits, signage, etc.)
- Lower design standards which provide for less expensive construction costs

Commercial, industrial, and multi-family developments may be viewed differently from residential developments with the idea that maintenance of their streets is a cost of doing business which should not be subsidized by the Town.

OVERVIEW OF TOWN STREETS

HOW DOES A STREET BECOME A PUBLIC STREET?

“A city or town ... has the right to determine where its streets shall be located.” Wofford v. NC State Highway Commission, 263 NC 677 (1965)

There are several ways in which a street can become a public street but all of them require some express action on the part of the Town:

- (1) acquisition by direct conveyance [Town Council acceptance of deed]
- (2) acquisition by acceptance of an offer of dedication [Town Council acceptance of dedication]
- (3) acquisition by long-term public use [Use by the public and Town maintenance of street]
- (4) acquisition by eminent domain [Town Council initiation of condemnation]

A very common method of converting a private subdivision street into a public one is through an offer of dedication that is noted on a subdivision plat that is ultimately accepted by a municipality. The Town has accepted many streets in this fashion but has also, especially recently, required direct conveyance through the recording of a street plat and the signing and recording of a deed.

A developer/owner that shows streets as “public” on a plat is an offer of dedication of those streets for public use. The developer/owner alone cannot obligate the Town to take over those streets. Acceptance occurs only when the Town accepts that offer of dedication and upon acceptance the Town accepts responsibility for maintaining the streets.

“A city or town may in its discretion accept or reject an offer of dedication.... It may accept a part of a street and determine the width of the street, and the width need not conform to the offer of dedication.” Wofford v. NC State Highway Commission, 263 NC 677 (1965)

“Municipalities may exercise their discretion, while remaining subject to protection from liability by the doctrine of governmental immunity, in deciding which roads to keep open for vehicular traffic and which roads should not continue to be open for such travel.” Kirkpatrick v. Town of Nags Head, 213 NC App 132 (2011)

In this discretionary matter the town has sovereign immunity from liability for damages, though a municipality waives this immunity to the extent of liability insurance.

WHAT ARE THE TOWN'S LEGAL OBLIGATIONS WITH REGARD TO TOWN STREETS?

*TO PROVIDE A RIGHT OF ACCESS TO AND FROM ALL PROPERTIES THAT ABUT THE TOWN STREET
TO KEEP THE PUBLIC STREETS, SIDEWALKS, ALLEYS, AND BRIDGES OPEN FOR TRAVEL AND FREE
FROM UNNECESSARY OBSTRUCTIONS*

TO KEEP THE PUBLIC STREETS, SIDEWALKS, ALLEYS, AND BRIDGES IN PROPER REPAIR

- Must use ordinary care in protecting dangerous places in the street itself
- Must use ordinary care to cover dangerous places near the street with a guardrail or some other barrier or device to address an unreasonably dangerous conditions
- Must keep streets free of unnecessary obstructions like untrimmed shrubs and bushes that obstruct the view of motorists or the view of signs
- Does not include “trivial defects” which are not inherently dangerous
- Does not include obstructions that are outside the town’s control like traffic

“Municipalities have a positive duty to maintain their streets and sidewalks in a safe condition and keep them free of unnecessary obstructions and are civilly liable for negligently failing to discharge that duty.” McDonald v. Village of Pinehurst, 91 NC App 633 (1988)

Municipalities are “under a duty to use due care to keep its streets and sidewalks in a reasonably safe condition for the ordinary use thereof,” but “do not insure that the condition of its streets and sidewalks are at all times absolutely safe.” Desmond v. City of Charlotte, 142 NC App 590 (2001), quoting Mosseller v. Asheville, 267 NC 104 (1966).

“[I]n the event that a municipality decides to allow travel on a particular street or road, governmental immunity is not available as a defense to any claim arising from personal injuries or property damage sustained as a result of a defective condition in the maintenance of that street or road.” Kirkpatrick v. Town of Nags Head, 213 NC App 132 (2011)

If the Town takes action which has the effect of eliminating all means of access to a property that abuts the street then this is considered a taking to which the property owner is entitled to just compensation. The Town could face an inverse condemnation action if public street access to a property to abuts a public street is eliminated.

WHAT ARE THE TOWN’S PUBLIC STREET STANDARDS AND WHY?

Town street standards are important in order to provide guidance to developers on their projects and to provide streets that are well-designed and well-constructed in the hope that the streets will have a 20-year useful life. When streets are past there useful life repairs are much more costly.

In July of 2014 the Town, on the recommendation of the Public Works Director and Town Engineer (current Public Works Director), adopted a set of detailed standards for new construction of Town streets which include minimum width, curb and gutter standards, sidewalks standards, drainage system standards, and driveway details. These standards have since been updated to include a few additional details.

WHAT IS THE TOWN'S STREET IMPROVEMENT PLAN?

The Town currently maintains approximately 20 miles of Town streets. In acknowledgement of the maximum useful life of a street being approximately 20 years, the Town maintains a goal of repair and repaving approximately 1 mile of Town streets each year.

In 2016 Powell Bill funds were deemed insufficient to keep up with the repairs and resurfacing of the Town's streets. Beginning with FY 2016-2017 the Town has for several years included within its annual budget funds to repair and replace approximately 1 mile of payment each year.

In 2016 a street assessment was conducted which inventoried, assessed, and ranked each Town street. This information was used to develop a 3-year strategic street repair and resurfacing plan. This plan guides the Public Works Director in selecting the streets to be improved each year. After the selection and funding, the Public Works Director develops plans for the improvements, solicits bids for the paving work and supervises the work. The Town is now in its last year on the current plan and will be working on updating the plan for implementation in FY 2020-2021. The timing of improvements fluctuates depending on weather and availability of paving contractors.

The following streets were recently improved with funds from FY 2018-2019 and FY 2019-2020: Church Street, North Street, West Street, Main Street Park Lot, Oakwood Drive, Hamburg Lane, portions of Florida Avenue, portions of Georgia Avenue, and portions of Wildwood Avenue. The paved portion of Quarry Road and some shoulder work on Perrion Avenue are also funded and expected to occur in 2019.

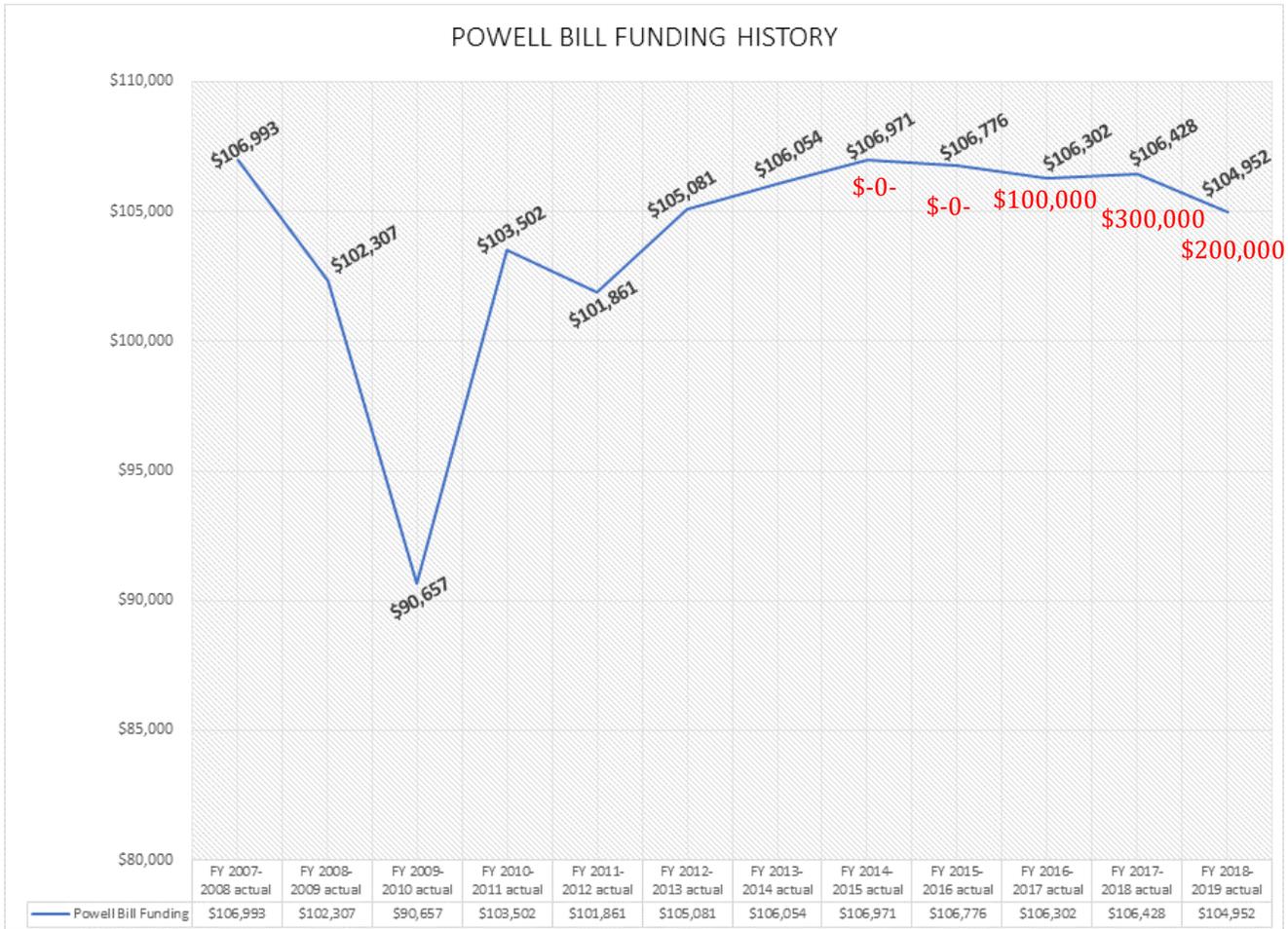
WHAT ARE POWELL BILL FUNDS AND HOW CAN THEY BE USED?

When the Town budgets for its street improvements it includes Powell Bill funds. The Powell Bill was first enacted in 1951 and was based upon the idea that city and town streets were part of the state public roads system and should be constructed, reconstructed, and maintained in part by the State Highway and Public Works Commission from State Highway Funds.

Funding was originally allocated as a certain percent of the gas tax (\$4.5 million in 1951) but is now a fixed appropriation that has been \$147.5 million annually for the last year years. Municipalities receive its share of this money based on formula that is 75% based on population and 25% based on street mileage.

The following chart shows the Town's Powell Bill funds over the last few years. It should be noted that Powell Bill funds only account for a small portion of the funding for street repair and improvements within the Town. Town Council has routinely budgeted general funds for this purpose. The Town's funding levels over the last few years is noted on the chart in red.

The map showing all of the Town's streets eligible for Powell Bill funding is too large to be meaningfully reproduced with these materials, however, it will be presented at tonight's workshop.



The Town is required to use the funds to maintain, repair, and construct Town streets that are not part of the State Highway System (DOT roads). The primary purpose of the Powell Bill funds is for paving and resurfacing. Eligible and ineligible uses are generally noted as follows:

ELIGIBLE	INELIGIBLE
Paving and resurfacing of public streets	Construction or maintenance of off-street parking areas or facilities
Construction and repair of public streets	Construction and repair of private streets
Stabilizing and grading	Street lighting
Retreatments, sealing and coating	Street name signs
Curb and gutter construction, including curb cuts for ADA accessibility	Leaf vacuums
Planning, construction and maintenance of bikeways, greenways or sidewalk	Sidewalks with mailboxes, power poles, fire hydrants, that impede clear pedestrian passage
Grade crossing eliminations	
Drainage and storm sewer	

HOW DOES THE TOWN REGULATE STREETS?

TOWN CODE OF ORDINANCES

Chapter 24 of the Town's Code of Ordinances from general regulations aimed at keeping the Town's street open and unobstructed. It also contains regulations regarding driveways, sidewalks and street cuts.

Chapter 25 provides guidance for the development standards and construction of all streets constructed within the Town subject to the subdivision regulations. Some of these provisions are attached for additional information. Importantly, this chapter contains provisions which address the effect of plat approval on dedications:

Sec. 25-48. - Effect of plat approval on dedications.

Pursuant to G.S. 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the town or by the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the town council may, by resolution, and in its sole discretion, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction, but outside the corporate limits of the town, shall not place upon the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside of its corporate limits.

Section 25-111 requires that all streets in residential developments subject to subdivision regulations be constructed to Town street standards.

The Town's zoning regulations contained in Chapter 36 provide that all streets must maintain 35 feet of street frontage on a public street or on a private street that meets the standards of the North Carolina Department of Transportation as to maintenance, disclosure and construction.

NC FIRE PREVENTION CODE

The provisions of the NC Fire Prevention Code pertains to all streets within the Town, regardless of whether they are private or public, and is enforced through the Town's Fire Marshal, including regulations for:

- Maximum grade - 10% maximum unless approved by Fire Chief
- Width of street – 20 feet minimum
- Turnarounds to accommodate emergency vehicles
- Number of access points

WHAT ARE SOME OF THE CHALLENGES WITHIN THE TOWN'S PUBLIC STREET SYSTEM?

Staff would like to share some of the challenges that are experienced with regard to the Town's public street system. In no particular order, the following is noted:

- As a street is only as good as its base, it is difficult to evaluate a street once it is paved. If the Town is not contacted during the early stages of work (i.e. for soil compaction and base layers of gravel) then the Town isn't able to inspect those important base layers and cannot certify that its standards have been complied. Borings and testing can be conducted after paving has occurred but are expensive.
- When the Town annexes property there may be streets that come into the Town's jurisdiction. If they are DOT roads then that designation remains. If the streets are private then the Town may be requested to take over the private streets. The streets may or may not have been constructed to Town standards, but are likely to have not been inspected by the Town, so the condition of the newly annexed street is unknown.
- An annexation issue can occur in the reverse. Fairly recently a development on Wheeler Road was asked to annex into the Town and the streets were designed and constructed to Town street standards and the Town's staff performed the various periodic inspections in order to be able to certify compliance to the Town. Town Council, in its discretion, decided against annexing this development even though Town employees had performed inspection on the property and certified the streets.
- The inspection of streets under construction is laborious and costly and the Town does not currently have enough personnel to inspect every street under construction within the Town
- What enforcement action is reasonable or should be required when streets are to be constructed to Town standards but the developer/owner completes the street without calling the Town for inspections? Should the final plat be ineligible for recordation, should the Town require the developer/owner to produce evidence of compliance (in the form of costly boring and testing), should the whole development be placed on hold?
- The cost of street construction and maintenance is increasing. When streets are added to the Town's street system the overall cost of repair and maintenance also increases. Powell Bill funds are expected to continue but not at levels sufficient to completely defray the street paving and resurfacing. Town general funds will continue to be needed to adequately maintain the existing Town streets.

OVERVIEW OF DOT ROADS

Just like the Town, DOT has legal obligations concerning the roads that it has accepted into its public road system. Many of the main thoroughfares within the Town are DOT roads and DOT is responsible for their repair and maintenance and the safety of the public traveling on them.

DOT has a set of road construction standards that must be met in order for a private road to be eligible for inclusion in the State road system. DOT will typically not take over a road unless it has been involved in the monitoring and inspection of the road during its construction and a large percentage of property owners along the road have joined in the request.

The Town maintains a good working relationship with DOT in order to foster open communication and cooperation on issues arising on DOT roads running through the Town. We have recently seen this in the following ways:

- DOT repaved North Main Street in 2016 but allowed the Town to layout the parking spaces
- DOT modified a speed limit near the intersection of US 25/70 and Monticello Road
- DOT elimination of a “No Turn on Red” sign at the intersection of Weaver Blvd and North Main Street
- DOT has trimmed trees for better sign visibility (eliminated tree in front of Town Hall)
- DOT installed highly visible crosswalk signs for the protection of pedestrians
- DOT has historically granted encroachment agreements for utility projects; this has been requested for the Town’s Waterline Extension Project in order to place infrastructure within DOT right-of-way and not have to obtain permanent easements
- DOT inspection of the crosswalk at Moore Street and North Main Street for pedestrian safety (based on a citizen request)

STAFF RECOMMENDATIONS

- Readopt Town Street Standard Details
- Clearly define which streets are required to meet Town public street standards and allocate additional resources (personnel and vehicle) for inspection purposes if all streets are required to be constructed to Town street standards
- Require formal developer/owner statement of intent of private versus public streets during initial development approvals
- Require Town disclosure statement regarding streets on all plats such as the following:

If this plat includes an offer of public dedication for any streets, alleys, sidewalks, or other such improvements, until such time as the governing body of the Town of Weaverville has accepted the offer of dedication of such improvement, such improvements will remain private and must be maintained by the developer/owner or pursuant to a private road maintenance agreement.

- Develop specific policies and procedures for inspection and acceptance of a newly constructed street into the Town street system such as the following process:
 - Application for public street commitment
 - Staff review and recommendation
 - Town Council consideration of application
 - Town Council declaration of intent to accept streets upon condition that streets be constructed to Town standards with required periodic Town inspections and approval of public street commitment
 - Issuance of a street commitment letter outlining conditions and requirements
 - Street constructed and inspected in accordance with conditions and requirements
 - Town verification of compliance with conditions and requirements
 - Town acceptance of streets and authorization to record street plat and deed
- Formalize policies and procedures for inspection/testing and acceptance of existing private streets into the Town street system such as the following process:
 - Application for public street commitment
 - Staff review and recommendation
 - Town Council consideration of application
 - Town Council declaration of intent to accept streets with or without conditions
 - Issuance of a street commitment letter outlining conditions and requirements
 - Street inspected, bored, tested, and repaired in accordance with conditions and requirements (if required)
 - Town verification of compliance with conditions and requirements (if required)
 - Town acceptance of streets and authorization to record street plat and deed

POLICY QUESTIONS FOR TOWN COUNCIL DISCUSSION

WHAT STANDARDS SHOULD THE TOWN REQUIRE FOR PUBLIC STREETS?

WHICH STREETS CONSTRUCTED IN THE TOWN SHOULD BE PUBLIC STREETS?

PHILOSOPHICAL DISCUSSION VS. FUNDING REALITIES

SHOULD THE TOWN DICTATE STANDARDS FOR PRIVATE STREETS?

Town of Weaverville Street List (July 2019)

Road Name	Crossroad(s)	
A		
Aiken Rd	Merrimon	DOT
Al Dorf Dr.	Penley Park	TOWN/PRIVATE
Alabama Ave.	Church, Georgia, Florida, Central, Merrimon	TOWN
Alaron Dr.	Roberts	TOWN
Alexander Rd.	Church, Moore	TOWN
Amblers Knoll Rd.	Reems Creek	UNDER CONSTR
Athena Ave.	Merrimon	PRIVATE
B		
Baird Mountain Rd.	Highlander	DOT
Balcrank Way	Reems Creek	PRIVATE
Ballard Rd.	Salem	TOWN
Bankstown Rd.	Merrimon, Reems Creek	DOT
Barnette Shoals Dr.	Athena	PRIVATE
Benedict Ln.	Northcrest	UNDER CONSTR
Bett Stroud Rd.	Northridge Commons	PRIVATE
Birkdale Dr.	Hillcrest	TOWN
Blueberry Hill Rd.	Merrimon	DOT
Blueberry Rdg.	Merrimon	DOT
Brittain St.	Oakland	TOWN
Brown St.	S Main, Merrimon, S College	TOWN
Brown St. Ext.	Brown	TOWN
Brushwood Rd.	Wilderness	DOT
C		
Camsyn Dr.	Pink Fox Cove	PRIVATE
Carden Dr.	Camsyn	PRIVATE
Central Ave.	Merrimon, Alabama, College Crescent, College	TOWN
Cherry St.	N. Main	TOWN
Chestnut St.	Oakland, Cherry, Coleman	TOWN
Chipmunk Cove Rd.	Baird Mountain	DOT
Church St.	N. Main, Alabama, Reagan, College, Alexander, Ridgwood, Highlander	TOWN
Church St. Ext.	Church	TOWN
Clark St.	Sunset	TOWN
Clinton St.	N. Main, Weaver	TOWN
Coleman Henslet Dr.	N. Main	PRIVATE
Coleman St.	N. Main	TOWN
College Crescent	Central, N. College	TOWN
College St. (North)	Church, Oakwood, College Crescent, Central	TOWN
College St. (South)	Central, Lakeshore, Brown	TOWN
Companion Way	Perrion Ave.	TOWN
Compass Park Dr.	Penley Park, Gov. Thomson	PRIVATE
Conrad Industrial Dr.	Merrimon	PRIVATE
Courseview Dr.	Pink Fox Cove	TOWN
Crandon Ct.	Knoll Ridge	DOT

Creekside Dr.	Knoll Ridge	DOT
Crescent Ct.	Valley	TOWN
Critter Tr.	N. Main	PRIVATE
D		
Declan Dr.	Yarrow Meadow	PRIVATE
Dendy Dr.	Georgia, Florida	TOWN
Devonshire Dr.	Hillcrest	DOT
Dula Springs Rd.	N. Main, N. Buncombe School	DOT
Duncannon St.	Loftin	PRIVATE
E		
East. St.	S. Main, Reynolds, Hillside	TOWN
Elk Ln.	Whitetail	TOWN
F		
Firwood Ct.	Westminster	DOT
Florida Ave.	Dendy, Alabama, Merchants, N. Main	TOWN
Fortress Rdg.	Perrion, Longstreet	TOWN
G		
Gale Kelly Ct.	Al Dorf	TOWN
Garrison Branch Rd.	Monticello	DOT
Garrison Rd.	Merrimon	DOT
Georgia Ave.	Dendy, Alabama, N. Main	TOWN
Gov. Thomson Ter.	Hamburg Mountain, Penley Park, Compass Park	PRIVATE
Gregory Ct.	Benedict, Gill Branch	UNDER CONSTR
Grove St.	Merrimon, North, S. Main	TOWN
H		
Hamburg Dr.	N. Main, Williams	TOWN
Hamburg Mountain Rd.	N. Main, Reeves, Roberts, Reems Creek	DOT
Harbeck Dr.	Moore	TOWN
Hawtree Ct.	Birkdale	TOWN
Heather Ct.	Knoll Ridge	DOT
Hickory Ln.	Aiken	PRIVATE
High Bluff Dr.	Hillcrest, High Meadow	TOWN
High Meadow Cove Dr.	High Meadoew	TOWN
Highland Pointe Ct.	Lakeway	TOWN
Highland Pointe Dr.	Lakeway	TOWN
Highland St.	Church, Salem, Kyfields, Riddle Ridge, Lakeshore	TOWN
Highlander Dr.	Merrimon, Baird Mountain	DOT
Hillcrest Dr.	Union Chapel, Pink Fox Cove	TOWN
Hillside St.	S. Main, East, Reems Creek	DOT
Hunting Green Dr.	Knoll Ridge	DOT
Hyer Hl.	Lakeshore	PRIVATE
K		
Kitty Ln.	Alexander	PRIVATE
Knoll Rdige Dr.	Merrimon	DOT
Kyfields Dr	Highland, Salem	PRIVATE
L		
Lake Louise Dr.	Lakeshore, Merrimon	TOWN

Lakeshore Dr.	S. College, Metcalf, Lake Louise, Highland, Quarry, Merrimon	TOWN
Lakeside Meadows Dr.	Merrimon	PRIVATE
Lakeview Dr.	Kyfields	PRIVATE
Lakeway Cir.	Hillcrest	TOWN
Lillie Farm Ln.	Critter	PRIVATE
Loftin St.	Aiken, Athena	PRIVATE
Longstreet Ct.	Perrion	TOWN
M		
Manor Way	Hillcrest	TOWN
Marlwood Ct.	Knoll Ridge	DOT
Meadowbrook Ln.	Valley	TOWN
Mearchants Aly.	Florida, Central	TOWN
Merrimon Ave.	Weaverville Hwy., Main St.	DOT
Metcalf Dr.	Lakeshore	TOWN
Monticello Commons Dr.	N. Main	PRIVATE
Monticello Rd.	N. Main, US 25/70	DOT
Monticello Village Dr.	N. Main	PRIVATE
Moore St.	Alexander, N. College, Reagan, N. Main	TOWN
Mountain Meadow Cir.	Reems Creek, Hamburg Mountain	PRIVATE
N		
N. Buncombe School Rd.	N. Main, Dula Springs	DOT
N. Old Buncombe School Rd.	N. Buncombe School	DOT
North Main St.	Merrimon, Weaver, Monticello	DOT
North St.	S. Main, Grove	TOWN
Northcrest Dr.	Monticello, Northridge Commons	PRIVATE
Northridge Commons Pkwy.	US 25/70, Northcrest	PRIVATE
O		
Oak St.	Brown	TOWN
Oakland St.	N. Main	TOWN
Oakwood Dr.	N. College, Ridgewood	TOWN
Old Dry Ridge Cir.	Central	TOWN
Orchard Pl.	Salem	TOWN
P		
Park Ave.	Merrimon, Brown	TOWN
Park Dr.	Ridgewood	TOWN
Parsonage Dr.	Blueberry Hill	DOT
Partridge Berry Ln.	Reems Creek, Dogwood	TOWN
Penley Park Dr.	Union Chapel, Gov. Thomson	TOWN
Perrion Ave.	Hamburg	TOWN
Perrion Ct.	Perrion Ave.	TOWN
Phipps St.	S. Main, Reems Creek	TOWN
Pine St.	N. Main, Reeves, Roberts	TOWN
Preston Ct.	Hillcrest	TOWN
Q		
Quarry Rd.	Lakeshore	TOWN
R		

Rabbit Ridge Dr.	Union Chapel	PRIVATE
Reagan Ln.	N. Main	TOWN
Reagan St.	Church, Moore	TOWN
Red Cole Dr.	N. Buncombe School	PRIVATE
Reems Creek Rd.	Merrimon, S. Main, Dogwood, Hamburg Mountain, Union Chapel	DOT
Reeves St.	Hamburg Mountain, Pine	TOWN
Reynolds Ln.	East St.	TOWN/PRIVATE
Rhoda Ct.	Merrimon	PRIVATE
Riddle Ridge Dr.	Highland	PRIVATE
Ridgemont Dr.	Hillcrest	TOWN
Ridgewood Ave.	Church, Park, Oakwood	TOWN
Roberts St.	Hamburg Mountain, Pine	TOWN
Robin Roost Rd.	Sandstone, Seneca	PRIVATE
S		
Saint Browns Pl.	Hyer	PRIVATE
Salem Acres Rd.	Salem	TOWN
Salem Rd.	Highland, Ballard, Kyfields, Orchard, Salem Acres	TOWN
Sandstone Dr.	Loftin	PRIVATE
Seneca St.	Aiken, Robin Roost	PRIVATE
Sherwood Dr.	Alexander	TOWN
South Main St.	Merrimon, Brown, Hillside, Phipps, Yost, Reems Creek	DOT
South Main St. Ext.	Reems Creek	DOT
Spruce St.	Pine	TOWN
Stoney Hill Ct.	Heather	DOT
Sunset Dr.	N. Main	TOWN
T		
Twin Courts Dr.	Courseview	TOWN
U		
Union Chapel Rd.	Reems Creek	DOT
V		
Valley Dr.	Hillcrest	TOWN
Valley Trace Ln.	Hamburg Mountain Rd.	PRIVATE
Village Ct.	Village Park	TOWN
Village Park Dr.	Merrimon	TOWN
W		
W. Cove Rd.	West	TOWN
Waddell St.	Clinton	TOWN
Waters Edge Dr.	Merrimon, Banks Town	PRIVATE
Weaver Blvd.	US 25/70, N. Main	DOT
Weaver View Cir.	Monticello	PRIVATE
Weaverville Hwy.	Merrimon	DOT
Webster St.	Sunset	TOWN
West St.	Merrimon, S. Main	TOWN
Westminster Dr.	Knoll Ridge	DOT
Whitetail Dr.	Yost	TOWN

Wilderness Rd.	Baird Mountain	DOT
Wildwood Ave.	N. Main	TOWN
Wildwood Ln.	Wildwood Ave.	TOWN
Wildwood Park Dr.	N. Main	TOWN
Wildwood Park Knl.	Wildwood Park Dr.	TOWN
Williamette Cir.	Metcalf	TOWN
Williams St.	N. Main	TOWN
Y		
Yarrow Meadow Rd.	Lillie Farm	PRIVATE
Yost St.	Merrimon, S. Main	TOWN

TOWN OF WEAVERVILLE
CODE OF ORDINANCES – PROVISIONS RELATED TO STREETS

Sec. 25-26. - Subdivision defined.

For the purpose of this chapter, "subdivision" shall mean all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this chapter:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations.
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets, or for utility easements for water, sewer or other purposes.
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town as set forth in the zoning ordinance or herein.
- (5) Unified business developments as defined in section 36-5 of the zoning ordinance of the town which have been approved in accordance with the provisions of said zoning ordinance.
- (6) The division of land for the purpose of conveying a single lot or parcel to each tenant in common, all of whom (jointly) inherited the land by intestacy or by will from a common estate.
- (7) The division of land pursuant to an order of a court of the general court of justice.
- (8) The division of land for cemetery lots or burial plots.
- (9) The division of land for the purpose of changing the boundary line(s) between adjoining property owners and no new road right-of-way dedication is involved, providing said division does not cause either property to be in violation of any town ordinance.

([Ord. of 3-21-2016\(1\), § 1\(Exh. A\)](#) ; [Ord. of 9-19-2016\(3\), § 1](#))

Sec. 25-111. - Streets.

- (a) *Type of street required.* All subdivision lots shall abut on a "public" street as herein defined or on a "private" street with reference to which there is a duly recorded maintenance agreement as provided for in this chapter. All public streets may be dedicated to the town or to the state. All public and private streets shall be built to the standards of this chapter and all other applicable standards of the town and the state department of transportation, whichever is the more restrictive standard.

A written maintenance agreement providing for maintenance of the street until it is added to the town or state highway system shall be included with the final plat. Such agreement shall be recorded as provided for in other sections of this chapter.

- (b) *Subdivision street disclosure statement.* All streets shown on the final plat shall comply with the provisions of G.S. 136-102.6 and a designation as "public" shall be conclusively presumed to be an offer of dedication to the town or state. Where streets are offered to be dedicated but are not finally

accepted into the town or state system, before lots are sold, a statement explaining the status of the street shall be included on the final plat.

- (c) *Access to adjacent properties.* Where, in the opinion of the planning and zoning board and/or the town council, it may be necessary to provide for public street access to an adjoining property not within the subdivision proposed streets shall be extended by dedication to the boundary of such public adjoining property and a temporary turnaround provided. The extension dedicated shall have the same right-of-way width as the street being extended.
- (d) *Nonresidential streets.* The subdivider of a nonresidential subdivision shall provide streets constructed in accordance with I.F-4 of the North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, and the standards in this chapter, whichever are stricter in regard to each particular item.
- (e) *Design standards.* The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the state department of transportation, division of highways, which are patterned on the American Association of State Highway Officials (AASHO) manuals. The North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, shall apply for any items not included in this chapter, or where they may be stricter than this chapter.
- (f) *Other requirements.*
 - (1) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. All streets shall be designed or walkways shall be dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.
 - (2) *Sidewalks.* Sidewalks may be required by the planning and zoning board or the town council on one or both sides of a street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas, or in other areas as deemed appropriate by the planning and zoning board or by the town council. Such sidewalks shall be constructed to a minimum width of five feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be within the street right-of-way, unless the subdivision is platted as a planned unit or group development. Sidewalks shall consist of a minimum of eight inches of concrete at driveway crossings and at handicapped ramps.
 - (3) *Street names.* Proposed streets which are in alignment with existing streets and which will constitute extension of the existing street shall be given the same name as the existing street. In assigning new street names, duplication of existing names shall be avoided. In no case shall a proposed street name be phonetically similar to an existing street name used in Buncombe County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the planning and zoning board and/or the town council.
 - (4) *Street name and other signs.* All subdividers shall be required to provide and erect street name signs to town standards at all intersections within the subdivision. Subdividers shall also erect traffic control and directional signs in appropriate locations.
 - (5) *Permits for connection to state roads.* An approved permit shall be required for connection to an existing state system road. Such permit shall be required prior to any construction on the street or road. A permit application may be obtained at the office of the nearest district engineer of the division of highways.
 - (6) *Offsets to utility poles.* Poles for overhead utilities shall be located back from roadway shoulders, preferably a minimum of at least 30 feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six feet from the face of the curb.
 - (7) *Ramps for handicapped persons.* Where curbs are provided on streets or where curbs and sidewalks are constructed within any subdivision, any construction or reconstruction of such

curbs and sidewalks shall be in full compliance with the provisions of G.S. 136-44.14 which sets forth standards for providing curb ramps or curb cuts for handicapped persons.

- (8) *Guard rails.* Guardrails may be required in areas of danger where deemed appropriate by the planning and zoning board or by the town council.
- (9) *Horizontal width for bridge decks.*
 - a. The clear roadway widths for new and reconstructed bridges serving two-lane, two-way traffic shall be as follows:
 1. Shoulder section approach.

Under 800 ADT Design Year: Minimum 28 feet width face-to-face of parapets or rails or pavement width plus ten feet, whichever is greater.

800—2000 ADT Design Year: Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.

Over 2000 ADT Design Year: Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.
 2. Curb and gutter approach.

Under 800 ADT Design Year: Minimum 24 feet face-to-face of curbs.

Over 800 ADT Design Year: Width of approach pavement measured face-to-face of curbs.

Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be three feet minimum, or greater if sidewalks are required.
 - b. The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided two-way traffic shall be as follows:
 1. Shoulder section approach. Width of approach pavement plus width of usable shoulders on the approach left and right.
 2. Curb and gutter approach. Width of approach pavement measured face-to face of curbs.
- (10) *Curbs and gutter.* Curbs and gutters shall be provided where deemed necessary by the town council upon recommendation of the planning and zoning board, the street maintenance superintendent, and/or the town's consulting engineer in order to provide adequate drainage because of high traffic volume, poor soil conditions, or where other similar conditions or special problems exist which justify the necessity of curbs and gutters.

([Ord. of 3-21-2016\(1\), § 1\(Exh. A\)](#))

Sec. 25-48. - Effect of plat approval on dedications.

Pursuant to G.S. 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the town or by the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the town council may, by resolution, and in its sole discretion, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction, but outside the corporate limits of the town, shall not place upon the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside of its corporate limits.

(Ord. of 3-21-2016(1), § 1(Exh. A))

Sec. 36-12. - Street access.

No building shall be erected, structurally altered, moved to, or relocated on any lot which does not abut at least 35 feet on a publicly dedicated or maintained street or on a private street which meets the standards of the North Carolina Department of Transportation as to maintenance, disclosure and construction. The right-of-way of any dedicated public or private street shall not be considered in computing any required square footage of a lot necessary to meet the other requirements of this chapter.

Any lot in the C-2 general business district used for commercial purposes shall have its primary access upon the street on which it fronts.

([Ord. of 8-21-2017\(1\)](#), § 1(Exh. A))